

Exhibit 1

UNITED STATES DISCRIT COURT
SOUTHERN DISTRICT OF NEW YORK

PROJECT VERITAS and PROJECT
VERITAS ACTION FUND,

Plaintiffs,

v.

JAMES O'KEEFE, TRANSPARENCY 1,
LLC d/b/a O'KEEFE MEDIA GROUP, RC
MAXWELL, and ANTHONY
IATROPOULOS,

Defendants.

Civil Action No. 7:23-cv-04533

DECLARATION OF NICHOLAS P. WHITNEY
IN SUPPORT OF DEFENDANTS O'KEEFE AND OMG'S
MOTION FOR ORDER AUTHORIZING ALTERNATIVE SERVICE
OF SUBPOENA FOR THIRD PARTY MATTHEW TYRMAND [DOC. 101]

I, NICHOLAS P. WHITNEY, hereby depose and declare:

1. I am over 18 years of age and otherwise competent to make this declaration.
2. I have personal knowledge of all matters testified to herein.
3. I am a licensed attorney practicing in the State of Florida and admitted to practice pro hac vice in this case on July 24, 2024 [Doc. 57].
4. The email at Doc. 101-5 and attached as **Exhibit A** to this Declaration is a true and correct copy of my email to Matthew Tyrmand on November 28, 2024. Mr. Tyrmand's email address was provided by counsel for Project Veritas and Project Veritas Action Fund. Mr. Tyrmand formerly served on the Board of Project Veritas. Mr. Tyrmand has not yet responded to my email.

5. The screenshots from X (formerly Twitter) included in the body of Defendants' Memorandum of Law [Doc. 102], and incorporated here as **Exhibit B**, are screenshots that I took from X on or about December 5, 2024. The first screenshot reflects that Mr. Tyrmand follows me on X. The second and third screenshots are exemplars to demonstrate to the Court that Mr. Tyrmand has mentioned myself and my co-counsel, Jeff Childers, by our X handles on multiple occasions, and as recently as November 21, 2024. These screenshots also demonstrate that Mr. Tyrmand is aware of and has been following the development of this litigation, referencing our representation of Mr. O'Keefe in the first screenshot, and the Court's denial of Plaintiffs' Motion for Preliminary Injunction in the second screenshot.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: December 19, 2024.

/s/ Nicholas P. Whitney
Nicholas P. Whitney

EXHIBIT A

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Deposition: Service of Subpoena

From: Nick Whitney <nwhitney@smartbizlaw.com>

Sent: Thu, Nov 28, 2024 at 3:00 pm

To: mtyrmand [REDACTED]

Cc: Jeff Childers, [REDACTED]

 20241127 Subpoena for Deposition Matt Tyrmand (12.16.24).pdf (737.2 KB)

Mr. Tyrmand,

We would like to take your deposition in *Project Veritas et al. v. James O'Keefe et al.*, Case No. 7:23-cv-04533. On your most recent appearance on *Dangerous Rhetoric* (Episode 125), you stated that you would happily be deposed. Please find a subpoena for your deposition attached.

We appreciate your willingness to be deposed. Kindly confirm acceptance of service.

Nick Whitney

nwhitney@smartbizlaw.com

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EXHIBIT B





Matthew Tyrmand ✓

@MatthewTyrmand

Just an injunction. And these idiot strip mall lawyer yutzes of his (he is prob paying 60 bucks an hour to in exchange for getting tagged in some tweets/ig posts) out of... **checks notes** ...Gainesville (ever been to Gainesville? 'Nuff said) did a fkn blog post about the great victory it was getting an emergency injunction (to stop activity long since grossly violated), filed a year late, denied. What kind of attorneys do blog post about cases as they're ongoing?...The clout chasing ones whose offices are in euphemistic strip malls. (Can find them on here [@jchilders98](#) & [@npwhitney](#)- counselor literally chooses to represent himself as a bored ape 🙈.) From what I hear, depositions are ongoing...so, yes, another JOK(e) lie.

10:27 PM · Nov 18, 2024 · **160** Views